

## Register results

The following regulations or standards have been issued by Federal agencies. They have all previously been summarized in CONSUMER REGISTER as proposals. The extent of consumer comment on each item is reported when such information is available.

- On June 30, Agriculture Dept. changed grade standards for frozen asparagus. Standards apply to defect classifications. Agriculture received 5 comments from growers & packers & no consumer comments. Details—*Federal Register*: May 15, page 17303; Sept. 11, 1973, page 24910. CONSUMER REGISTER: Oct. 1, 1973.

- On Aug. 5, Food & Drug Administration (FDA) amended its standard of identity for spiced, flavored standardized natural cheese. FDA received 12 comments—11 consumers & 1 industry member. Eight consumers were in favor of the proposal, & 3 were not—because they did not want spices or flavors added to natural cheeses. Details: *Federal Register*: June 4, page 19776; Feb. 13, 1973, page 4347. CONSUMER REGISTER: March 1, 1973.

- On Sept. 11, Health, Education & Welfare Dept. (HEW) endorsed a proposal by a group of nongovernment organizations to establish an American Blood Commission to coordinate an improved blood service system. HEW received 250 comments & concluded "there is significant support for the concept of an American Blood Commission & widespread appreciation of the need for such a pluralistic body." Details—*Federal Register*: May 28, page 18613; March 8, page 9326. CONSUMER REGISTER: May 1 & July 15.

- On Oct. 14, National Highway Traffic Safety Administration (NHTSA) amended its standards for low-powered motorcycles. New standards are for turn signals, stop light brightness & certain brake tests. Details—*Federal Register*: Sept. 12, page 32914; April 12, page 13287. CONSUMER REGISTER: May 1.

- Effective Jan. 1, 1975 Occupational Safety & Health Administration (OSHA) is setting health safety standards for workers whose jobs expose them to vinyl chloride. OSHA received more than 600 written comments on the proposal. Details—*Federal Register*: Oct. 4, page 35890; May 24, page 18303; May 10, page 16896; Jan. 30, page 3874. CONSUMER REGISTER: June 1 & June 15.

- Effective Dec. 2, Health, Education & Welfare Dept. (HEW) will establish additional standards for "skilled" nursing homes that receive Federal funds through Medicare & Medicaid programs. Standards include provisions for a patient's "bill of rights," discharge planning program, 7-day registered nurse services. Details—*Federal Register*: Oct. 3, page 35774; May 1, page 15230; Jan. 17, page 2238; July 12, 1973, page 18620. CONSUMER REGISTER: Feb. 1.

## Franchising

Nov. 20 is deadline for comments on Federal Trade Commission's (FTC) proposed trade regulation rule requiring franchisors to give prospective franchisees specific information about the commercial relationship being considered as well as prohibiting certain practices by franchisors.

Almost any product or service can be franchised—floor polish, motels, secretarial services, dry cleaners, tennis courts, fast food chains. FTC is especially interested in hearing from consumers about franchising abuses & problems.

The trade regulation rule would require a franchisor to give a prospective franchisee (often an individual consumer) a single disclosure statement including the following information:

- Franchisor's business experience & financial records for most recent year.
- Recurring fees a franchisee must pay.
- How franchise may be sold or terminated.
- If a "public figure's" name is used in the franchise, the nature & extent of public figure's involvement.

The disclosure statement could not contain promotional claims & would have to be labeled: "Information for Prospective Franchisees Required by Federal Trade Commission."

The rule would prohibit franchisor from making false

earnings claims. Earnings projections based on existing or past franchises would have to be substantiated, & even when this is done, the following statement would have to be included in the disclosure statement: "There is no assurance that income & profit projections will be attained by any specific franchisee. They are merely estimates."

Before any contracts are signed, the franchisor would have to furnish prospective franchisee with a copy of FTC's booklet, *FTC Buyer's Guide No. 4—Franchise Business Risks*. Franchisor would have to pay for printing or reproducing the booklet.

Details—*Federal Register*: Aug. 22, page 30360; Nov. 11, 1971. CONSUMER NEWS: Aug. 1971. Send comments to Assistant Director, Division of Marketing Practices, Bureau of Consumer Protection, Federal Trade Commission, Washington, DC 20580. (FTC has a limited supply of *Buyer's Guide No. 4*, which is available free by writing to the above address.)

## Vinyl chloride

Consumer Product Safety Commission (CPSC) has denied requests for a hearing on its order banning any spray product for household use that is packaged in a container using vinyl chloride. (Vinyl chloride is used to make the spray.) The order became effective Oct. 1 & covers such products as spray paint, adhesives & coatings.

CPSC has received 4 statements objecting to the part of the ban requiring that products already in the hands of consumers & suppliers be repurchased by the manufacturer.

Details—*Federal Register*: Oct. 11, page 36576; Aug. 21, page 30112; May 23, page 18115. CONSUMER REGISTER: Sept. 15 & June 15.

## Dogs & cats

Nov. 25 is deadline for comments on Agriculture Dept.'s proposal to provide improved living conditions for dogs & cats used for research & exhibition purposes & sold by breeders to pet stores.

Major provisions of the proposal are:

- Dogs not born & reared in a known restricted environment, such as pets & strays, would have to be exercised—after an initial confinement of 21 days—for 30 minutes for each of 5 days of a 7-day week. (Dogs born & reared in cages & runs would not get this exercise because they are not likely to develop abnormal behavior from such confinement.)
- Two dogs of comparable size would be housed together. The exercise area required for 2 dogs may be the same as required for 1 because of the communal value of having 2 dogs together.
- Dogs developing abnormal behavior must be given prompt care & treatment or be put to sleep.
- Cages of dogs & cats would have to be arranged in such a way that the animals would be able to see & hear members of their own species. Agriculture says psychological stress on the confined animals may be reduced by such contact.

Agriculture is proposing that these amendments, if adopted, would not go into effect until 6 months after final regulations are published in the *Federal Register* in order to give dealers & research facilities time to make necessary changes.

Details—*Federal Register*: Sept. 25, page 34420. Send comments to Deputy Administrator, Veterinary Services, Animal & Plant Health Inspection Service, Agriculture Dept., Hyattsville, MD 20782.

## Office of Consumer Affairs

Office of Consumer Affairs (OCA)—which is part of Health, Education & Welfare Dept. (HEW) under the Office of the Secretary—"executes the functions assigned by Executive Orders 11583 & 11566, serves as principal advisor to the Secretary on consumer-related policy & programs, & constitutes the staff of the Special Assistant to the President for Consumer Affairs."

On Sept. 11, OCA was reorganized. It consists of the following separate offices: Office of the Director; Office of the General Counsel, OCA; Office of Public Affairs; Office of Program Development & Implementation; Office of External Liaison; Office of Administrative

Management & Finance; Executive Secretariat; Economic Policy & Planning Staff.

Details—*Federal Register*: Sept. 23, page 34088. CONSUMER NEWS: July 15, 1973.

## Anti-microbials

Dec. 12 is deadline for comments on Food & Drug Administration's (FDA) proposal to issue regulations to assure the safety & effectiveness of bacteria-killing ingredients (anti-microbials) in medicinal & deodorant soaps & in first aid products. Nov. 12 was original deadline but 2 manufacturers & 2 trade associations asked for extra time to comment.

Anti-microbials is the second class of products to be evaluated for FDA by panels of outside experts as part of a program to protect consumers from unsafe, ineffective & mislabeled non-prescription medications. (Antacids was the first in the series; others to be issued later include laxatives, eye products, cough & cold remedies, pain relievers & sleep aids.)

FDA is proposing that 1 anti-microbial, tribromsalan (TBS), be prohibited from future use in non-prescription drugs as well as cosmetics because the panel said TBS can cause photosensitivity (a skin inflammation) in some users after exposure to sunlight. It is a rare reaction but can be disabling or disfiguring & may last for months or years. TBS was used extensively in antibacterial soaps until a few months ago when the panel questioned the safety of the anti-microbial. As a result, most of the soaps were reformulated.

FDA removed another anti-microbial product—hexachlorophene—from non-prescription use in 1972 because of its toxicity on premature infants' skin & on damaged skin.

The panel proposed that certain labeling claims for anti-microbials be prohibited because they mislead the consumer. Some of these misleading claims are (1) that a product speeds or aids healing, (2) that it sanitizes, sterilizes or disinfects the skin, (3) that it ensures bacterially clean skin or (4) that it controls infection.

The panel evaluated many anti-microbial ingredients & identified 19 with some evidence of anti-microbial activity. Five anti-microbial ingredients were judged safe & effective. They are benzalkonium chloride, benzethonium chloride, methyl benzethonium chloride, hexylresorcinol & tincture of iodine. The first 4 were considered safe & effective as skin wound cleansers; iodine was considered safe & effective for patient pre-operative skin preparations. The remaining 14 ingredients (not related to TBS) were found safe for some skin, but the panel recommended further research to establish effectiveness.

The panel's report also recommended that some anti-microbials in cosmetics be banned. FDA will propose regulations that will require the same safety & labeling standards for cosmetics as for anti-microbial drugs.

Details—*Federal Register*: Oct. 17, page 37066; Sept. 13, page 33103. Send comments to Hearing Clerk, Food & Drug Administration, 5600 Fishers Lane, Rockville, MD 20852.

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